

107TH CONGRESS  
2D SESSION

# S. 3111

To compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of use of a herbicide by the Bureau of Land Management.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2002

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of use of a herbicide by the Bureau of Land Management.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. COMPENSATION OF NEW MEXICO PRODUCERS**

4                       **FOR CROP DAMAGE FROM BLM USE OF HER-**  
5                       **BICIDE.**

6       (a) IN GENERAL.—The Secretary of Agriculture, in  
7       consultation with the Secretary of the Interior, may use  
8       such funds of the Commodity Credit Corporation as are  
9       necessary to compensate agricultural producers in the

1 State of New Mexico that suffered crop losses as a result  
 2 of the use of the herbicide tebuthiuron by the Bureau of  
 3 Land Management during the 2002 calendar year.

4 (b) LIABILITY.—Nothing in this section constitutes  
 5 an admission of liability by the United States arising from  
 6 the use of the herbicide tebuthiuron by the Bureau of  
 7 Land Management.

8 (c) REGULATIONS.—

9 (1) IN GENERAL.—The Secretary of Agriculture  
 10 may promulgate such regulations as are necessary to  
 11 implement this section.

12 (2) PROCEDURE.—The promulgation of the reg-  
 13 ulations and administration of this section shall be  
 14 made without regard to—

15 (A) the notice and comment provisions of  
 16 section 553 of title 5, United States Code;

17 (B) the Statement of Policy of the Sec-  
 18 retary of Agriculture effective July 24, 1971  
 19 (36 Fed. Reg. 13804), relating to notices of  
 20 proposed rulemaking and public participation in  
 21 rulemaking; and

22 (C) chapter 35 of title 44, United States  
 23 Code (commonly known as the “Paperwork Re-  
 24 duction Act”).

1           (3) CONGRESSIONAL REVIEW OF AGENCY RULE-  
2        MAKING.—In carrying out this subsection, the Sec-  
3        retary shall use the authority provided under section  
4        808 of title 5, United States Code.

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